



December 13, 2006

Ex Parte

Ms. Marilyn Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Board of Directors

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Chair

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Keali'i S. López
President and CEO

Re: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311

Dear Ms. Dortch,

This notice is to record my ex parte meeting with FCC Commissioners Kevin Martin, Michael Copps, Deborah Tate, Robert McDowell and Jonthan Adelstein, and staff members Heather Dixon, Christian Pauze, Chris Robbins, Rudy Brioche and Bruce Gottlieb. I stated my concerns via voicemail or email on December 13. My comments are summarized as follows:

First, I would like to give a brief overview of 'Ōlelo Community Television on O'ahu.

'Ōlelo is in a very fortunate position in that we are able to serve Public, Educational and Governmental sectors on O'ahu and in many cases, expand our services beyond traditional PEG Access models. We currently manage six Community Media Centers (CMCs) on O'ahu (currently Kahuku/Wailua, Palolo/Kaimuki, Leeward, Mapunapuna, Wai'anae, Windward and soon, Waipahu) and six channels dedicated to Public, Educational and Government programs. Two of these channels are dedicated to educational programs. We actively partner with O'ahu schools to help create young, engaged citizens who use the power of television to spread messages about their local communities.

For the Government sector, we provide production resources for the cablecasting of Hawaii State Legislative programs and Honolulu City Council programs. We are seeking to expand those services with internet archiving and podcasting to effectively connect our citizens with their elected representatives. We also facilitate the creation of programming by federal agencies such as HUD and the United States Post Office, and are working with the Federal Executive Board to provide production resources for the creation of messages to inform Hawaii residents of Federal programs and services.

Additionally, each election year, we offer an avenue for candidates to produce messages to inform the electorate about their platforms. In addition to our myriad Public programs, we facilitate productions for non-profit organizations and other groups and agencies to ensure their messages are heard. We reach out to all underserved in our community and offer training and channel time to all.

Our concern is that the proposed changes will decrease funding that will result in fewer services delivered to all sectors as well as reduce our ability to serve local communities, which is the focus of our Community Media Centers across the island.

I am in agreement with Alliance for Community Media members in calling for competition without destruction of local, community controlled media.

1) The proposed rule eliminates incentive for providers to negotiate in good faith. If the city and the provider do not come to agreement within 90 days, the provider can proceed without an agreement. This will allow the provider to benefit financially without compensating the local community for use of the public rights-of-way.

2) The proposed rule lacks a remedy for geographic discrimination. Public, Education and Government Access, or PEG, are tools to engage our local communities in democracy. Everyone should be able to participate in our democracy as a citizen, rather than merely as a consumer. Market forces should not determine public policy. The public rights-of-way are set aside for the benefit of all members of the public, not just those in “selected” markets. We believe that inevitable market imbalances must be anticipated by the FCC, as they were by Congress, and that any rule-making must provide these three elements:

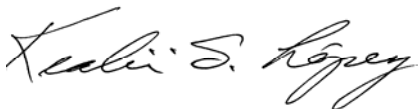
- A) A standard for identifying imbalances in service.
- B) A party responsible for identifying the imbalance—generally, the state or city.
- C) A means for prevention or remedy of the imbalance.

3) The proposed rule reduces the support for PEG or other community media services from what is allowed by current Federal law. We believe this is an arbitrary reduction which will hurt our communities. It is in direct contradiction to language authored by telephone companies and already passed in key states such as California and Texas. This reduction would eliminate a valued community resource with no demonstrated effect on either subscriber price or level of competition.

4) The changes being proposed to the law are dramatic. We believe that such changes to the law should be made by Congress, not the FCC. These changes will slow competition by confusing the legal framework. Such changes should be decided by law-makers, not the courts. The FCC should not usurp Congressional authority.

We look forward to working with the FCC to establish a process which supports both competition and community fairness. Please contact us if you have questions or comments.

Sincerely,



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My Congressional Delegation